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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,999	06/30/2003	Hideki Yamanaka	1341.1156	8195
21171 7590 08/28/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
08/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/607,999

Applicant(s)

YAMANAKA, HIDEKI

Examiner

THJUAN K. ADDY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-13,15-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13,15-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 and 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 28, 2008 has been entered. Claims 1, 5, 7-11, 15, 17-21, 25, 27, and 28 have been amended. Claims 4, 14, and 24 have been cancelled. No claims have been added. Claims 1-3, 5-13, 15-23, and 25-28 are now pending in this application, with claims 1, 11, 21, and 28 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/28/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-13, 15-23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sikora et al (US 6,449,646), in view of Thomson et al. (US 6,636,598).
4. In regards to claims 1, 11, 21, and 28, Sikora discloses a transaction allocation apparatus, method, and computer readable medium that selects an operator (See Fig. 1 and resource/agent 14), from among a plurality of operators, to process a transaction received from a customer (See Fig. 1 and transaction initiator 12) and allocates the transaction to the operator selected (See col. 3 lines 36-46), the transaction allocation apparatus comprising: a storing unit (See Fig. 2, ACD 20, and agent list 70) that stores status information that is information relating to whether each of the operators is engaged in processing of a transaction (e.g., busy) or standby (e.g., idle) at this time (See col. 5 lines 17-29); a standby state deciding unit that decides, based on the status information, which operators are standby at the time a new transaction is received from the customer (See col. 7-8 lines 50-7, col. 9-10 lines 44-9, and col. 11 lines 11-31). Sikora, however, does not disclose a standby time estimating unit that estimates, when it is decided that none of the operators are standby, based on the status information, a

plurality of standby times each of which is a time showing when each of the operators is going to become standby again; and an operator selecting unit that selects, before any of the operators becomes standby, an operator whose length of standby time estimated is smaller than a predetermined constant as an operator who can be going to process the new transaction. Thomson, however, does disclose a standby time estimating unit (See Fig. 1 and transaction distribution function 12) that estimates, when it is decided that none of the operators (e.g., agents) are standby (e.g., available), based on the status information, a plurality of standby times each of which is a time showing when each of the operators is going to become standby again; and an operator selecting unit that selects, before any of the operators becomes standby, an operator whose length of standby time estimated is smaller than a predetermined constant as an operator who can be going to process the new transaction (for example, Agent 1 is showing to become available the soonest, therefore, Agent 1 is assigned the transaction even though he or she is occupied at the time of the assignment) (See col. 2 lines 40-56 and col. 6-7 lines 45-5). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the method, as a way of assigning an incoming transaction to a selected agent who is expected to become available within an acceptable time period, therefore, allowing transactions to be expeditiously handled.

5. In regards to claims 2, 12, and 22, Sikora discloses the transaction allocation apparatus, method, and computer readable medium, wherein the storing unit stores an estimate time for each operator, which is a time taken by the corresponding operator to

process the transaction the operator is processing at this time, and also stores a start time, which is a time at which the operator has started the processing of the transaction the operator is processing at this time, and the standby time estimating unit estimates the standby time by subtracting a current time from a sum of the start time and the estimate time (See col. 5 lines 8-16 and col. 11 lines 11-31).

6. In regards to claims 3, 13, and 23, Sikora discloses the transaction allocation apparatus, method, and computer readable medium, wherein the operator selecting unit selects an operator with shortest standby time as the operator to process the transaction (See col. 8 lines 8-34 and col. 9-10 lines 44-9).

7. In regards to claims 5, 15, and 25, Sikora discloses the transaction allocation apparatus, method, and computer readable medium, further comprising: a canceling unit that cancels allocation of the new transaction to the operator selected if the operator selected does not start processing the transaction within a predetermined time, wherein the standby state deciding unit repeats the decision on which operators are standby when the allocation of the new transaction is cancelled (See col. 10 lines 48-56).

8. In regards to claims 6, 16, and 26, Sikora discloses the transaction allocation apparatus, method, and computer readable medium, wherein the transactions are received via any one of telephone, chat, and e-mail (See col. 3-4 lines 63-16), the storing unit stores the status information separately for the transactions received via the telephone, chat, and e-mail, and the standby state deciding unit performs the decision on which operators are standby separately for the transactions received via the

telephone, chat, and e-mail based on the respective status information (See col. 6 lines 3-8).

9. In regards to claims 7, 17, and 27, Sikora discloses the transaction allocation apparatus, method, and computer readable medium, further comprising: a skill level storing unit that stores a skill level of each operator that is an expertise of the operator in processing transactions; and an extracting unit that extracts, when the new transaction is received, operators whose skill levels exceed the skill levels required to process the new transaction based on the skill levels stored, wherein the standby state deciding unit performs the decision on which operators are standby from among the operators extracted by the extracting unit (See col. 7-8 lines 60-7).

10. In regards to claims 8 and 18, Sikora discloses the transaction allocation apparatus and method, further comprising: a relaxed candidate extracting unit that relaxes the skill level required to process the new transaction, if the standby state deciding unit has decided that none of the operators extracted are standby, and repeats the extraction of operators, wherein the standby state deciding unit performs the decision on which operators are standby from among the operators extracted by the relaxed candidate extracting unit (See col. 7-8 lines 60-7).

11. In regards to claims 9 and 19, Sikora discloses the transaction allocation apparatus and method, wherein the operator selecting unit selects an operator whose skill level exceeds the skill level required to process the transaction by minimum as the operator to process the new transaction, from among operators with standby times not more than a predetermined time (See col. 7-8 lines 60-7).

12. In regards to claims 10 and 20, Sikora discloses the transaction allocation apparatus and method, wherein the operator selecting unit selects an operator whose skill level exceeds by minimum the skill level relaxed by minimum as the operator to process the new transaction, from among operators with standby times not more than a predetermined fourth time (See col. 7-8 lines 60-7).

Response to Arguments

13. Applicant's arguments with respect to claims 1-3, 5-13, 15-23, and 25-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muller (US 5,561,711) teaches a predictive call scheduling system and method.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614